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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,957	03/21/2002	Josef Artelsmair	ARTELSMAR ET AL-1 PCT	3447 C C
25889	7590	07/25/2003		EXAMINER
<b>WILLIAM COLLARD COLLARD &amp; ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576</b>			SHAW, CLIFFORD C	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/980,957	ARTELSMAIR ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Clifford C Shaw	1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 29 May 2003.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 13, 14, 16-20, 23 and 24 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 13, 14, 16-20, 23 and 24 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____    | 6) <input type="checkbox"/> Other: _____                                    |

**Detailed Action**

- 1.) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2.) Claims 13, 14, 16-20, 23, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 13, there is insufficient antecedent basis for “the calculation for determining inductance ...”. The only calculation mentioned in the claim is the language “a calculation of the welding process voltage...”. Because the claim does not adequately support the newly added language calling for calculation of an inductance, it is not clear what the scope of the claim is. The newly added language in claim 13 is also vague and indefinite because it refers to an “inductance” that is only optionally present in the claim. The language “... in particular an inductance and a resistance” does not require that these “interference variables” be present. The may or may not be present. Therefore, the indication in the newly added language that an inductance is calculated makes it unclear what the scope of the claim is since the “in particular” language does not require the inductance variable to be taken into account. The other claims are inadequate under the second paragraph of 35USC112 in that they depend from inadequate claims.

3.) The patent to Blankenship et al. (6,359,258) is cited to show a prior art arc welder wherein the impedance (i.e., “interference variables” in applicant’s terminology) of the welding cable is taken into account when calculating arc voltage. The system of Blankenship et al. is

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similar to the system of Tabata et al. in that the determination of cable inductance is made before the welding process begins (see column 6 of Blankenship et al., lines 63-65 where the statement is made "The present invention involves a method of obtaining the accurate value of inductance L and resistance R prior to initiation of the welding process utilizing arc 34.).

4.) Applicant's remarks in his amendment filed on 5/29/2003 have been given careful consideration, but are not persuasive of patentability in view of the rejection above. Applicant's general argument that an in-process determination of an inductance distinguishes over the pre-process inductance determination of the Tabata et al. system is deemed persuasive. Such an in-process determination would be advantageous for the reasons discussed by applicant, e.g., dealing with changes in inductance that occur during the course of a welding operation. If this feature were suitably expressed in claim 13, the claim would be given favorable consideration. One way to amend claim 13 to overcome the 35USC112 rejection above and to express the aforementioned feature would be to change the language "a calculation of the welding process voltage in real time, taking account of the interference variables, in particular, an inductance and a resistance of a welding system" to a calculation of the welding process voltage in real time, taking account of the interference variables including a calculated inductance and a resistance of a welding system, leaving the other claim language intact.

5.) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 703-308-1712. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 703-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Clifford C Shaw  
Primary Examiner  
Art Unit 1725

July 18, 2003